**S.B. CRIMINAL REVISION PETITION NO. 1160/2007**
Narayan Lal & Ors. Vs. State of Rajasthan

DATE OF ORDER : 11.12.2007

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. S.L. Jain, for the petitioner/s.
Mr. O.P. Rathi, Public Prosecutor.

****

By the order dated 14.8.2007 learned Addl. Sessions Judge, (Women Atrocities Cases), Bhilwara decided to proceed with trial against the petitioners by framing charge in following terms:

> "2- कि आपने राजकुमारी के विवाहोपरांत भीलवाड़ा शहर में अपने निवास पर दिन के किसी समय दिनांक 23-9-2007 को दहेज की मांग कर निरंतर शारीरिक व मानसिक रूप से प्रताड़ित कर क्रूरता की तथा राजकुमारी के विवाह के सात वर्ष की अवधि में जहर के कारण उसकी सामान्य परिस्थितियों में दहेज मृत्यु कारित की विकल्प में आपने दहेज की मांग पूरी न कर पाने पर राजकुमारी को जहर देकर उसकी मृत्यु कारित कर सआशय हत्या की। आपका यह कृत्य भा.द.सं. की धारा 304 बी विकल्प में 302 के अधीन दण्डनीय अपराध है जो न्यायालय के प्रसंज्ञान में है।"

The charges were also framed against the petitioner for the offence punishable under Section 406 and 498A IPC. By this revision

petition while challenging framing of the charge under Section 304B in alternative for the offence punishable under Section 302 IPC the contention of learned counsel for the petitioner is that the trial court should frame definite charge and not alternative charges as done in the present case.

From reading of the charge quoted above it is apparent that the trial court clubbed two distinct charges. In a fair trial definite charges should have been framed by the trial court. The trial court should have framed independent charge for commission of an offence punishable under Section 304B IPC and other for commission of an offence under Section 302 IPC.

Accordingly, this revision petition deserves acceptance, and therefore, is allowed in the terms that the learned trial court shall consider the material afresh available on record for framing definite charges relating to offence punishable under Section 304B and 302 IPC by adhering the procedure prescribed under Section 240 Cr.P.C. The revision petition is disposed of accordingly.

**(GOVIND MATHUR),J.**

Jgoyal